

REMARKS

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Applicant thanks the Examiner for the courtesy of accepting Applicant's *bona fide* attempt to respond to the Examiner's previous OA and affording Applicant an opportunity to elaborate. Accompanying this response is a listing of claims as submitted with Applicant's Response of November 17, 2005. That is, Applicant has not changed the status of any claim from Applicant's previous response. Furthermore, Applicant's following comments make more sense with this claim status because Applicant's current comments are directed solely to the "new" claims, in accordance with the Examiner's Communication of February 28, 2006.

As background, Applicant first refers the Examiner to Claim 65 and Applicant's Response of November 17, 2005. In particular, in that response (as well as during the interview of September 18, 2005) Applicant pointed out that the prior art does not show, at least, a fork (or method) having: (1) a blow-off feature, valve, or threshold that is (2) adjustable, as set forth in the claim.

Now, concerning new claims 94-101, the independent claims should at least be patentable for similar reasons. Each of the independent claims at least contain the limitations that the fork (or method) has a first and second valve, that the second valve is adjustable, and the second valve opens when a threshold pressure is reached. As was discussed during the interview and in Applicant's prior response, a device having at least these limitations is patentable over the prior art.

Finally, concerning the newly presented dependent claims, while these claims should be patentable at least because they depend from allowable independent claims, each of these relatively short dependent claims contain distinct patentable limitations. For brevity, Applicant will not rehash the text of each of those dependent claims at this point.

To assist the Examiner a more detailed comparison of Applicant's previously submitted claims and Applicant's Claims 94-101 is now provided. While the claims are of somewhat different scope and express the invention in somewhat different terms, each claim contains similar elements. Thus, the basis for avoiding the art with regard to Claim 65, likewise applies with regard to Claim 94.

In particular:

- Claim 65 comprises a bicycle fork as noted with regard to Claim 94.
- Claim 65 comprises a compression fluid chamber configured to decrease in volume during at least a portion of the compression of the fork. Claim 94 likewise comprises a chamber configured to decrease in volume during at least a portion of the compression of the fork.
- Claim 65 comprises a lock-out valve having two positions, a first position allowing substantially unrestricted fluid flow and a second position in which a compression fluid chamber at least partially blocked. Claim 94 provides a valve that operates in the first position which a fluid flow is substantially unrestricted and a second position in which a fluid flow is at least partially blocked.
- Claim 65 provides an externally disposed adjuster that allows adjustment of the lock-out valve between at least two positions. Likewise, Claim 94 provides an adjuster that is positioned externally and that permits external adjustment of the valve between at least two positions
- Claims 65 provides a blow-off valve that allows a flow in response to pressure that is equal to or greater than a threshold pressure during compression of the fork. Likewise, Claim 94 provides a valve that allows a flow when pressure in a first chamber is equal to or greater than a threshold pressure
- Claim 65 provides a second externally disposed adjuster for adjusting a threshold pressure. Likewise, Claim 94 provides a second external adjuster for adjusting threshold pressure.

- Finally, Claim 65 allows adjustment to threshold pressure to be made without the use of tools. Likewise, Claim 94 allows adjustment to threshold pressure to be made without the use of tools

Thus, while Claim 65 and Claim 94 are somewhat different in terminology and scope, each claim contains similar limitations. As such, the basis for avoiding the art of record with regard to Claim 65 applies equally with regard to Claim 94. That is, at least each and every limitation of Claim 65 which Applicant is relying upon to avoid the cited art is also found in Claim 94.

Claim 95 is dependent on Claim 94 and therefore, is at least of similar scope as Claim 94.

Claim 96 includes claim elements including an external adjuster on a bicycle fork for adjusting a damping fluid flow, a valve that allows a fluid flow when pressure in the fluid chamber is equal to or greater than a threshold pressure, an externally positioned adjuster for adjusting a threshold pressure, and the ability to make these external adjustments independently of each other. In this latter point, Claim 96 differs from Claim 65. However, previously presented Claim 78 provides that the external adjustments may be made where adjustments to one adjuster have no effect on the other adjuster. This is similar in scope to the limitation of Claim 96. A similar limitation is also found in previously presented Claim 80, Claim 82, Claim 84, etc. Accordingly, Claim 96 is distinguished from the art referenced on the same basis as the previously presented claims.

Claim 97, being dependent on Claim 96 is at least of similar scope to Claim 96, and, therefore, Applicant's statements with regard to the prior art apply likewise with regard to Claim 97.

Claims 98 and 99 contain similar elements as Claim 96. That is, a bicycle fork is provided having a first adjustable valve for fluid flow and a second adjustable

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valve which establishes an adjustable threshold pressure, where the ability to make adjustment to each of these valves is independent of the other valve. Accordingly, Applicant's comments above apply with regard to Claims 98 and 99.

Claims 100 and 101 are similarly concerned with the ability to independently adjust to valves in a bicycle fork. In particular, Claim 100 is directed to a bicycle fork that has first and second telescopic engaged tubes which move closer together during compression of the fork. A damping fluid is provided within said tubes and a first adjustable fluid flow control valve having a plurality of operator selectable positions is provided for inhibiting the first and second tubes from moving closer together. A second adjustable blow-off valve is provided that is independently adjustable relative to the first valve. The second valve allows first and second tubes to move closer together when the pressure on the damping fluid is equal to or greater than an operator's selective threshold pressure, even when the first valve is in its first position. As such, Applicant's comments with regard to the independence operation in Applicant's previous submission in connection with Applicant's previously presented claims apply likewise to Claims 100 and 101.

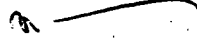
Finally, in the Supplemental IDS filed on February 08, 2006, Applicant provided a copy of an article written by Richard Cunningham, editor of *Mountain Bike Action* and one of the most respected commentators on mountain bike technology. The Examiner is invited to review this article (page 2, middle) in detail as Mr. Cunningham called the Fox product having an adjustable blow-off threshold an "innovation that has been long in coming." For the Examiner's convenience, another copy of this article is attached hereto.

In view of the foregoing, Applicant is of the opinion that Applicant has completely addressed the Examiner's comments in the Communication of February 28, 2006.

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If the Examiner deems it helpful, she is encouraged to contact Applicant's attorney, Michael A. Glenn at 650-474-8400.

Respectfully submitted,



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